

# RELEASE RULES

Laws relating to catching and releasing fish vary from state to state, but in North Dakota, the decision to release a fish must be made at the time it is caught. Once you decide to keep it and put that fish in a livewell, on a stringer or in a fish basket or bucket, it is not legal to let it go at a later time, even if it seems perfectly healthy.

This regulation has been in place since 1975. While some anglers occasionally suggest that the rule is restrictive, it is actually more liberal than the previous regulation, which did not allow any catch-and-release, except for fish that did not meet minimum size limit requirements on certain lakes.

That's right. Prior to 1975 if you caught a fish in North Dakota, you had to keep it, unless it was on a lake that had a minimum size limit.

The new regulation was announced among "several important changes" in the April 1975 issue of *North Dakota OUTDOORS*.

"One such change will make it legal to return game fish to the water after they are caught. Previously, it was illegal to return game fish to the water except for those that were under a legal size limit or were closed to taking."

In addition, only trout caught on artificial bait could be legally released. A trout caught on live bait such as a worm had to be kept.

Eventually the regulation was modified further to allow release of any legal game fish regardless of the method (live bait, artificial, etc.) by which it was caught. The current notable exception is that paddlefish snagged on harvest days (Wednesdays through Sundays) cannot be released.

Long time fisheries biologist Emil Berard, Dickinson, remembers when the release regulation went into effect, and says it came at a time when fishing effort on the Missouri River System was evolving from northern pike to walleye. Apparently, anglers on Lake Sakakawea and

Lake Audubon were starting to catch small walleyes and didn't like the fact they had to keep those fish.

Over time, the ability to release small fish "to let them grow up a bit," started to take on a new context, that of a growing conservation ethic based on the premise that it was not only good to release small fish, it was also good to release large adult fish so they would live on and continue to produce little fish the following spring.

In less than a decade, the Game and Fish Department evolved from an agency that generally did not allow anglers to release any fish, to an agency that began encouraging anglers to take part in the catch-and-release conservation movement. In fact, the Game and Fish Department has published a brochure and several articles regarding the correct techniques for releasing fish.

Currently, Game and Fish regulations on fish release reads as follows: "No fish may be released into waters other than those from which they were originally taken. If a fish is returned to the water it must be done immediately after catching, not after being held on a stringer or confined by or in any type of container, live box, structure, or device except with written permission from the Game and Fish director.

"Fish returned to the water should show no evidence of bleeding, be handled carefully, and be returned to the water by hand or basket and not thrown or dropped. It is illegal to tag or mark any fish prior to release except with written permission from the Game and Fish director."

One issue that surfaces from time to time is from anglers who, at the end of a day may have only one fish in a livewell or on a stringer, and rather than take the time to clean one fish, they would rather release it if it appears healthy.

Less frequently, anglers who catch a limit and then continue fishing, intending to release all the additional fish they catch, might severely injure a fish. They would rather keep that one that is likely to die, and release one from the livewell that appears healthy.

Still others would like the opportunity to replace smaller fish in the livewell or on the stringer with bigger fish caught later on. This practice, often called "high-grading," has increasingly become illegal in many states, but is occasionally allowed in fishing tournament settings.

In North Dakota, high-grading is never allowed, even in tournaments. However, the



*Once North Dakota anglers place a fish in a livewell, they are committed to keep it. Regulations do not allow for releasing fish once they are placed in a livewell or on a stringer.*

Game and Fish director can issue a permit for release of fish kept by tournament anglers, if the fish are deemed healthy, the release takes place at the end of the tournament fishing day, and is conducted by tournament officials. During these tournaments, anglers must still decide at the time they catch a fish whether to keep or release it. It's only at the end of the day, when the fish have been weighed, that fish are released.

In recent years, fishing tournament regulations have changed. Catch-and-release – fish held all day and then released after weighing – is typically not allowed during warm summer months. Survival rates for walleyes caught, held, and released later is typically much lower than during other months when water temperatures are cooler.

The Game and Fish Department receives a fair number of public complaints regarding catch-and-release tournaments. Some people don't like the idea of "kept" or stressed fish released at a later time. It's likely that even more anglers would be concerned if this practice was allowed for all anglers.

Here's a look at some of the factors that apply to North Dakota's catch and release regulations, **From Both Sides**.

## One Side

- Fish released immediately – assuming they have no significant injuries and were handled carefully – rarely die.
- Studies have shown that fish held in livewells, and especially on stringers or in baskets, even if they appear healthy, are much more likely to die than fish released immediately. Keeping a limit, plus delayed mortality on fish that were temporarily held and then released, is out of line with management objectives.
- Fish held in livewells or on stringers that are obviously alive but appear sluggish, will likely die if they are released. Many fish would be wasted if anglers let them go at the end of a trip, rather than have to clean just one or two fish.
- High grading could put excessive pressure on larger fish in a population by allowing anglers to "trade in" a small fish they kept in exchange for a bigger one caught later on. Currently, anglers can still select for larger fish, but they must forego keeping more numerous, smaller fish in order to save room for big fish on the stringer.
- Fish are often injured running into sideboards or other fish in a livewell, or pulling against the stringer.
- Anglers do not like catching fish that have holes in their mouth area from being kept on a stringer.



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*The decision on whether to keep or release a fish must be made immediately after the fish is unhooked. If release is the choice, it should be done carefully, without throwing or tossing the fish.*

## The Other Side

- Livewells on modern boats are well designed to keep fish alive and healthy for extended periods of time and most released fish would likely survive. While some fish released from livewells would die, more fish are killed than otherwise would be the case because anglers are required to keep them once they are put in a livewell.
- If an angler wants to release a kept fish, even if it's half dead, it has more chance of survival than if it's taken home and cleaned.
- Special rules that allow tournament officials to release fish after weigh-ins promote minimal effect on the overall fish population. In addition, competitors are typically more careful with their fish as points or weight is often deducted if fish are not kept alive until weigh-in.

*What do you think? To pass along your comments, send us an email at [ndgfd@nd.gov](mailto:ndgfd@nd.gov); call us at 701-328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.*